



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

July 7, 2009

Steven Ipsen
Office of District Attorney

REDACTED

Re: Advisory Letter
FPPC Case No. 040839

Dear Mr. Ipsen:

The Fair Political Practices Commission (the Commission) enforces the provisions of the Political Reform Act¹ (the Act). On May 31, 2006, the Commission received a complaint regarding an advertisement in the Los Angeles Daily Journal advocating the defeat of various judges. In summary, the complaint alleged that the person or persons who placed the advertisement potentially qualified as a committee under the Act and were required to file semiannual statements.

We confirmed that the advertisement was for the purpose of influencing or attempting to influence the action of the voters for or against the election or re-election of judicial candidates. Based on the information obtained, you acknowledged that you placed and paid for the advertisement on behalf of candidates.

Please be advised that:

- Section 82013 (a) and (b) states that any person or combination of persons who directly or indirectly receives contributions totaling \$1000 or more in a calendar year; or makes expenditures totaling \$1000 or more in a calendar year becomes a committee.
- Section 82015(a) describes a contribution as a payment except to the extent that full and adequate consideration is received.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

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- Section 82031 describes an independent expenditure, and includes expenditures made by any person in connection with a communication which expressly advocates the defeat of a clearly identified measure not made to or at the behest of the affected candidate or committee.
- Sections 84200 and 84203.5 require that committees file Semi-Annual Statements and Supplemental Independent Expenditure Reports. In addition, Sections 84204, 84203 and 84605 requires that some committees file Late Contribution Reports, Late Independent Expenditure Reports and file their reports and statements online.

We recommend that if you should find yourself in a similar situation in the future, be sure to seek advice from the Commission before taking action. As you may know, failure to comply with the provisions of the Act in the future may result in an enforcement action against you, including monetary penalties of up to \$5,000 for each violation.

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or a manual, or guidance regarding your obligations, please call the Commission's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov.

If you have questions regarding this matter, please call me at (916) 322-8180.

Sincerely,

REDACTED

✓ Luz Bonetti
Program Specialist
Enforcement Division